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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,518	11/21/2001	Jeffrey Harold Yanof	PKR 2 0718	3075
7590	12/01/2004		EXAMINER	
Thomas E. Kocovsky, Jr. FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2518			ROY, BAISAKHI	
			ART UNIT	PAPER NUMBER
			3737	
DATE MAILED: 12/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/990,518	YANOF ET AL.	
Examiner	Art Unit		
Baisakhi Roy	3737		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-18 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 20 February 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/12/03.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities: inconsistency between the description of figures 2, 3, and 4 in paragraph [0030] (lines 5-8) and description of said figures in paragraphs [0016], [0017], and [0018]. Paragraphs [0016], [0017], and [0018] describes figures 2, 3, and 4 as representing the first view port, the second view port, and the third view port, respectively, whereas paragraph [0030] (lines 5-8) describes figures 2, 3, and 4 representing the third view port, the first view port, and the second view port, respectively.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al. (WO 02/056240).

With regards to claims 1-5, Wood et al. teaches a diagnostic medical imaging system to be implemented by any of the various imaging modalities (CT, MRI, ultrasound, or PET) to generate first and second image slices, data processor to

combine said slices, storage device for loading the first and second image slices, and displaying said slices in various view ports such that the first image slices are displayed in a second view port, the second image slices are viewed in first view port, and a third view port containing a superimposed version containing relative locations of both first and second image slices as represented in the second and first view ports, respectively (page 4, lines 11-30; page 6, lines 33-35; page 7, lines 1-15; page 12, lines 23-30; page 13, lines 15-16).

Regarding claims 6,7, and 15-17 Wood et al. further teaches a system and method for evaluating said image slices in various display means such as a second display means for first image slices with first thickness, a lower resolution first display means for the combined set of the first image slices with second thickness greater than first thickness, and a third display means containing a superimposed version of the location of the first and second image slices displayed by the first and second display means (pages 6, lines 33-35; page 7, lines 1-15; page 12, lines 23-30; claims 1, 9, 12, 15, 18, 26, 38, 44, and 73).

Regarding claim 9, Wood et al. teaches viewing the sections in the third display means through various planes or angles (page 7, lines 16-24).

Regarding claim 8, Wood et al. further discloses the inter-relationship of the various display means such that a point selected in one display means corresponds to the same selected point in the other display means (page 7, lines 30-35; page 8, lines 1-12; claims 7, 8, 11, 13, 14, 16, 23, and 30-33).

Regarding claims 10-14, 15, and 18, Wood et al. discusses a method and system of reviewing said slices, designating regions for close review for the interpretation of lesions or small objects on a particular slice. Wood et al. further discusses projecting outlines of said objects, color coding for distinction, storing, generating a system for displaying the slices containing the objects of interest, and representing the inter-relationship between the various slices or displays such that when a point is selected on a particular second image slice, selecting said slice will result in generating the corresponding thin slices or first image slices with a higher resolution representation (page 8, lines 13-25; page 9, lines 12-35; page 10, lines 1-3; page 11, lines 26-33; claims 4-6, 17, 22, 27-29, and 34).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by McKinnon (6,591,127).

McKinnon discloses a diagnostic medical imaging system and method to generate images of a subject, storing said images, processing said images, and a display system for viewing the images (col. 2, lines 13-35; claims 1, 5-11 and 16).

6. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by He et al. (6,275, 562).

He et al. discloses a diagnostic medical imaging system and method, CT based, to generate image slices, storing, processing, and displaying said images. He et al. further discloses a system and method for producing and displaying a set of first image slices corresponding to first thickness, combining said first image thin slices to produce second image slices with thickness greater than the first image slices (Abstract; col. 1, lines 12-16, lines 56-65; col. 2, lines 4-10; col. 4, lines 10-16, lines 27-36; claim 6).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-9, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Slack (6,487,432).

Slack teaches a system and method to be used by various imaging modalities such as MRI, CT, or ultrasound for acquiring slice images; processing or combining said slices, storing, and displaying said image slices in various view ports. Slack further discloses combining the thin slice images to produce thicker slice images, displaying said slices, reviewing said displays of thick slices for an object or region of interest, and selecting said object or region on the thick slice to generate the corresponding higher resolution thin slices (Abstract; col. 1, lines 46-64; col. 3, lines 28-33, lines 37-44; col. 4, lines 43-49; col. 5, lines 1-6, lines 12-21; claims 1,2, 6-10,15).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baisakhi Roy whose telephone number is 703-305-0930. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*b.r.*

BR

*Eleni Mantis Mercador*  
ELENI MANTIS MERCADOR  
PRIMARY EXAMINER  
ART UNIT 3737